

REMARKS

Claims 1-20 are pending in this application.

Claim Rejections – 35 USC § 112

The Patent Office rejected claims 2-4, 9-11 and 16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicant respectfully disagrees. Applicant respectfully submits that claims 2-4, 9-11 and 16 have been described in the specification. Adequate description under the first paragraph of 35 U.S.C. § 112 does not require literal support for the claimed invention...Rather, it is sufficient if the originally-filed disclosure would have conveyed to one having ordinary skill in the art had possession of the concept of what is claimed. *Ex parte Parks*, 30 USPQ 2d 1234, (B.P.A.I. 1992). With respect to claims 2-4, 9-11 and 16, each of the elements of the claims have been described in the specification. Further, claims themselves have been constituted to provide the description of the invention. *In re Gardner*, 480 F.2d 879, 178 USPQ 149 (C.C.P.A. 1973). Consequently, through a discussion of the concepts and direction provided in the claims, claims 2-4, 9-11 and 16 have been adequately described.

Claim Rejections – 35 USC § 102

The Patent Office rejected claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by Westerman, United States Patent 6,529,638, (Westerman).

Claim Rejections – 35 USC § 103(a)

The Patent Office rejected claims 8-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Westerman, United States Patent 6,529,638, (Westerman) in view of Andrew, United States Patent 6,563,958, (Andrew).

Applicant respectfully disagrees. Applicant respectfully submits that Westerman fails to disclose every element of claims 1-20. However, enclosed herewith is a declaration by the Applicant which recites facts that establish conception of the invention prior to February 1, 1999, coupled with due diligence from prior to February 1, 1999 to the filing date of this application on December 14, 1999. The declaration is accompanied by copies of documentation supporting the facts recited therein.

It is respectfully submitted that the enclosed declaration is effective to remove Westerman which has a filing date of February 1, 1999 as a prior art reference under the provisions of 37 C.F.R. § 1.131 and that Claims 1-20 are therefore allowable. Accordingly, a timely Notice of Allowance is earnestly solicited.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,
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